

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES COMPANY)	
TO AMORTIZE, BY MEANS OF TEMPORARY)	CASE NO.
DECREASE IN RATES, NET FUEL COST SAVINGS)	93-113
RECOVERED IN COAL CONTRACT LITIGATION)	

O R D E R

Before the Commission are several procedural motions. The Attorney General ("AG") and Joseph H. Hilley have moved to strike the letter of October 22, 1993 to the Commission's Executive Director from counsel for Kentucky Utilities Company ("KU"). Mr. Hilley has also moved for full intervention status and for payment in cash or other direct remuneration.

Having considered the motions and being otherwise sufficiently advised, the Commission finds that:

1. The letter of October 22, 1993 responds to arguments contained in the AG's brief and constitutes a reply brief. The procedural schedule did not provide for a reply brief.

2. The motions to strike should be granted.

3. Mr. Hilley was a KU customer from September 1, 1989 through May 1991. He seeks a portion of the funds which are the subject of this proceeding.

3. The AG is authorized to appear before the Commission to represent and be heard on behalf of consumers' interests. KRS 367.150. The Commission has permitted the AG to intervene in this proceeding. The AG has argued that persons who paid for and

received electric service from KU from April 1985 to December 1990 are entitled to the funds which are the subject of this proceeding.

4. Mr. Hilley's interests are already represented by the AG.

5. Mr. Hilley's motion for full intervention should be denied.

6. As Mr. Hilley's motion for payment in cash or other direct remuneration goes to the ultimate issue in this proceeding and will be addressed in the Commission's final Order, it is premature and should be denied without prejudice.

IT IS THEREFORE ORDERED that:

1. The AG's and Mr. Hilley's motions to strike are granted.


2. Mr. Hilley's motion for full intervention is denied.

3. Mr. Hilley's motion for payment in cash or other direct remuneration is denied without prejudice.

Done at Frankfort, Kentucky, this 7th day of December, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director